

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DeGERALD ROY WILSON,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,

Defendant.

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CIVIL ACTION NO.

SA-07-CV-1038 XR (NN)

ORDER DENYING REQUEST FOR APPOINTMENT OF COUNSEL


The matter before the Court is plaintiff's motion for appointment of counsel.

By this action plaintiff appears to challenge the denial of his application for disability benefits by defendant. By separate order I have granted plaintiff's request to proceed in forma pauperis.

The court may appoint an attorney to represent a plaintiff where exceptional circumstances exist; plaintiff has no right to appointment of counsel to prosecute an appeal of a social security decision. Here, although plaintiff qualifies for in forma pauperis status, he has only contacted five attorneys in his effort to find an attorney on his own, and he has not explained why those he contacted were unable to represent him. Further, he neglected to contact the Lawyer Referral Service for the names of attorneys who might be willing to take this case. Finally, plaintiff reports to be a college graduate and therefore he likely possesses the ability to articulate the basis for his appeal of the administrative decision he challenges without the necessity of counsel.

For these reasons, I find that plaintiff has failed to establish that the appointment of counsel is justified at this time. Plaintiff's request for appointment of counsel is therefore **DENIED**.

SIGNED on December 27, 2007.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE